Translation

PATENT COOPERATION TREATY

PCT/EP2003/001497

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2002-0208 P	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/EP2003/001497	International filing date (*day/month/year*) 14 February 2003 (14.02.2003)	Priority date (*day/month/year*) 19 February 2002 (19.02.2002)
International Patent Classification (IPC) or national classification and IPC B41C 1/10, B41J 2/447		
Applicant OCE PRINTING SYSTEMS GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

 ☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

 - I ☒ Basis of the report
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
16 July 2003 (16.07.2003)	24 May 2004 (24.05.2004)
Name and mailing address of the IPEA/EP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP2003/001497

I. Basis of the report

1. With regard to the **elements** of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1-39, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☒ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-28, filed with the letter of 29 April 2004 (29.04.2004)

☒ the drawings:

pages 1/12-12/12, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/01497

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	2-14, 16-28	YES
	Claims	1, 15	NO
Inventive step (IS)	Claims		YES
	Claims	1-28	NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims		NO

2. Citations and explanations

D1: EP-A-0 903 226

*D4: US 5067404-A

*D5: US 6318264-B

* additionally cited by the examiner

1. The present application does not meet the requirements of PCT Article 33(2) because the subject matter of claims 1 and 15 does not appear novel.

D4 describes a method (see column 2, lines 14-41 and column 3, line 65 - column 4, line 8) in which the surface of a printing form is covered with a molecular film of hydrophilic liquid, and ink-receptive and ink-repellent areas are then produced therein with a laser or a lamp and a control element (PLZT) in a structuring process (see column 5, lines 23-41). Ink is then applied which adheres to the ink-receptive areas and not to the ink-repellent areas (column 2, lines 39-41 and column 7, lines 33-56). D4 thus likewise describes a unit in which means are provided for carrying out the aforementioned steps: application of a dampening agent layer, a structuring appliance comprising a lamp and a control element, ink application and subsequent transfer of the ink onto a

printing material.

2. D5 (see column 1, line 66 - column 2, line 5; column 2, lines 41-67; column 5, lines 20-24; column 5, lines 37-43; column 9, lines 7-34; column 9, lines 62-67) likewise describes a method comprising all the steps indicated in the present claim 1 and the unit in which means are provided for carrying out these steps.

3. The present application does not meet the requirements of PCT Article 33(3) because the subject matter of claims 2-14 and 16-28 does not appear inventive.

The additional properties of dependent claims 2-14 and 16-28 are generally known (see for example D1 (section (0097)-(0104)) and would therefore be combined by a person skilled in the art with the teaching of D4 or D5 without achieving unexpected effects.

4. The subject matter of the present claim 1 differs from D1 in that a dampening agent layer is structured, in contrast to D1 (page 2, sections 11-12; page 11, section 97 - page 12, section 106) in which a heat-sensitive layer comprising resin and a cross-linking agent is structured. D1 makes no suggestion as to replacing this layer with a dampening agent or water layer.